



Public Service Commission of the District of Columbia
1333 H Street, N.W., 2nd Floor, West Tower
Washington, D.C. 20005
(202) 626-5100
www.dcpssc.org

BETTY ANN KANE
CHAIRMAN

April 15, 2013

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: Application for Renewal of Current TRS State Certification CG Docket No.
03-123, TRS 49-12

Dear Ms. Dortch:

In this filing, the Public Service Commission of the District of Columbia (DC PSC) respectfully submits the attached supplement to its Application for Renewal of Current TRS State Certification.

Should you require further information, please do not hesitate to call me on (202) 626-5125. You may also reach me at bakane@psc.dc.gov.

Sincerely,

Betty Ann Kane

Attachment

Supplement to the Narrative Statement filed by the Public Service Commission of the District of Columbia

In this Supplement, the Public Service Commission of the District of Columbia includes additional information to support its Narrative Statement ("DC PSC Narrative Statement")¹ and its Application for Renewal of Current State TRS Certification ("DC PSC Application").² In particular, the DC PSC provides additional information regarding the transfer of Speech-to-Speech (STS)³ user and other user profiles to new Telecommunications Relay Service (TRS) providers, customer bills showing how TRS fees are assessed, and consumer complaint information. This information is discussed specifically below.

47 C.F.R. § 64.604(a)(5) STS called numbers. Relay providers must offer STS users the option to retain at the relay center a list of names and telephone numbers which the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider.

In its Narrative Statement, the DC PSC explained that its TRS RFP directed bidders to explain how they would permit STS Communications Assistants (CA) to retain certain call-related information at the request of the STS user.⁴ In its RFP Response, AT&T indicates that upon request, a STS CA will retain numbers for use on subsequent calls. When the calls are completed, the information is shredded to protect customer confidentiality.⁵

The DC PSC Narrative Statement also indicates that AT&T represents that all TRS users, including STS users, may choose to set up a Relay Choice Profile, which allows STS users to customize and store calling preferences. CAs are able to access the Relay Choice Profile to set up the call more quickly. STS users may set up their Relay Choice Profile by contacting

¹ *In the Matter of State TRS Certification for the District of Columbia*, CG Docket No. 03-123, Narrative Statement, filed April 3, 2013.

² *In the Matter of State TRS Certification for the District of Columbia*, CG Docket No. 03-123, Application for Renewal of Current State TRS Certification (DC PSC Application), filed October 1, 2012.

³ STS Relay allows users with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words of that person. 47 C.F.R. § 64.601(19) (2011). AT&T, the DC PSC's TRS provider, represents that its STS service does not require the use of special equipment. AT&T Consumer Education Brochure, Relay for All in the Nation's Capital (Relay for All) 2012) at 7.

⁴ DC PSC Narrative Statement at 17, citing Request for Proposal to Provide Telecommunications Relay Service (TRS) in Washington, DC, RFP No. PSC-11-04 (TRS RFP) at 8, § 3.2.11, rel. May 20, 2011. The RFPs and RFP Responses are incorporated into the TRS and CapTel contracts by reference. See, Supplement to Application for Renewal of Current TRS State Certification, CG Docket No. 03-123 (Supplement), filed February 1, 2013.

⁵ DC PSC Narrative Statement at 17, citing Building RELAYtionships: AT&T's Response to Washington DC's RFP PSC-11-04 for Telecommunications Relay Service (TRS) (AT&T TRS Response) at 45, submitted June 15, 2011.

customer service or by accessing AT&T's TRS website.⁶ Thus, STS users can establish a permanent list of frequently called names and telephone numbers, fulfilling this requirement.

Regarding the transfer of STS customer profiles when a new TRS contractor is selected by the DC PSC, AT&T has committed to the DC PSC that it transfers STS customer profiles when a new TRS vendor is selected. This statement is consistent with AT&T's assertions in its TRS Response that it complies with all FCC TRS regulations contained in 47 C.F.R. § 64.601 *et seq.*⁷

47 C.F.R. § 64.604(c)(5)(ii) Cost recovery. Costs caused by interstate TRS shall be recovered from all subscribers for every interstate service, utilizing a shared-funding cost recovery mechanism. Except as noted in this paragraph, with respect to VRS, costs caused by intrastate TRS shall be recovered from the intrastate jurisdiction. In a state that has a certified program under § 64.606, the state agency providing TRS shall, through the state's regulatory agency, permit a common carrier to recover costs incurred in providing TRS by a method consistent with the requirements of this section. Costs caused by the provision of interstate and intrastate VRS shall be recovered from all subscribers for every interstate service, utilizing a shared-funding cost recovery mechanism.

As indicated in the Narrative Statement, intrastate TRS is one of the services supported by the District of Columbia Universal Service Trust Fund (DC USTF).⁸ The DC USTF is funded through monthly contributions paid by each LEC and each Voice over Internet Protocol (VoIP) service provider in an amount proportionate to each LEC and each VoIP service provider's share of revenue from local telecommunications or telecommunications services derived from end users in the District of Columbia.⁹ The DC PSC's rules permit, but do not require, a LEC to recover from its non-Lifeline retail customers the amount of its contributions to the DC USTF provided that the LEC has filed a tariff with the DC PSC specifying the charge the LEC's customers are to be.¹⁰ The cost recovery rules also require, *inter alia*, a true-up each year. Any recovery from the DC USTF is to be included on customer bills as a separate line item.¹¹ These

⁶ DC PSC Narrative Statement at 17, citing Relay for All at 9.

⁷ TRS Response at 5.

⁸ DC PSC Narrative Statement at 31-32, citing 15 DCMR § 2803.1 (2011). 15 DCMR § 2802.1 defines the following services as services to be supported by the DC USTF: voice grade access to the public switched network, with the ability to place and receive calls or its functional equivalent; minutes of use for local service provided at no additional cost to end users; access to emergency services, including, access to 911 and enhanced 911 (E911) services; Telecommunications Relay Service (TRS); and toll limitation services for qualifying low-income consumers at no charge to the customer. 15 DCMR § 2802.1 (2012).

⁹ 15 DCMR § 2804.1 (2011).

¹⁰ 15 DCMR § 2815 (2011).

¹¹ 15 DCMR § 2815 (2011). The DC PSC's rules regarding recovery of contributions to the DC USTF are only applicable to LECs. The DC PSC's authority over Voice over Internet Protocol (VoIP) service providers is limited in that the DC PSC can assess VoIP providers for DC USTF contributions but has no other regulatory authority over VoIP providers. *See also* D.C. Code §34-2003 (2012 Supp.).

procedures permit a common carrier to recover its costs incurred in providing TRS since TRS is a service supported by the DC USTF.

Attached is a copy of a sample customer bill of Verizon Washington, DC Inc. (Verizon DC), the District's LEC, which is posted on the DC PSC's website. As noted, the sample customer bill lists a DC USTF surcharge on the bill.¹² Starpower (d/b/a RCN) is not a LEC, however a sample customer bill posted on the DC PSC's website also lists a DC USTF surcharge.¹³ As noted above, the DC USTF surcharge includes funding for intrastate TRS and intrastate Lifeline service.

47 C.F.R. § 64.604(c)(6)(ii) Intrastate complaints shall be resolved by the state within 180 days after the complaint is first filed with a state entity, regardless of whether it is filed with a state relay administrator, a state PUC, the relay provider, or with any other state entity.

In its Narrative Statement, the DC PSC summarized its consumer complaint procedures included in its Consumer Bill of Rights.¹⁴ The DC PSC consumer complaint process involves four steps: the informal process; the formal process; the appeal to the DC PSC Commissioners; and appeal to the District of Columbia Court of Appeals.

A formal complaint may be filed with the DC PSC's Office of the Commission Secretary (DC PSC OCMS) after informal attempts at mediation fail.¹⁵ Within two business days of the filing, DC PSC OCMS shall provide a copy of the formal complaint to the service provider.¹⁶ A written response to the complaint must be filed within 14 days of the date of notice of the complaint.¹⁷ Within 45 days of the filing of the response, a formal hearing will be scheduled.¹⁸ The DC PSC will designate a hearing officer who has not participated in the investigation of the complaint to preside over the proceeding.¹⁹ Notice of the hearing must be provided at least 14

¹²http://www.dcpSC.org/pdf_files/consumerservices/outreach/Factsheets/English/Understanding_Your_Rights.pdf at 25.

¹³http://www.dcpSC.org/pdf_files/consumerservices/outreach/Factsheets/English/Understanding_Your_Rights.pdf at 27. The third provider, Comcast, provides VoIP service but also lists a regulatory recovery fee on its sample customer bill. According to the sample customer bill, the regulatory recovery fee "defrays regulatory costs such as state universal services, relay services, and certain state/local utility fees." See http://www.dcpSC.org/pdf_files/consumerservices/outreach/Factsheets/English/Understanding_Your_Rights.pdf at 26.

¹⁴ DC PSC Narrative Statement at 33. The Consumer Bill of Rights is found at http://www.dcpSC.org/pdf_files/commorders/consumerbill/Revised_Consumer_Bill_of_Rights.pdf.

¹⁵ See, 15 DCMR § 323.2 - 323.7 (2008).

¹⁶ 15 DCMR § 324.3 (2008).

¹⁷ 15 DCMR § 324.4 (2008).

¹⁸ 15 DCMR § 325.1 (2008).

¹⁹ *Id.*

days before the hearing date.²⁰ Within 30 days of the close of the record after the formal hearing, the hearing officer shall issue a written decision on the formal complaint.²¹ The decision shall be served on the parties the same day it is issued.²²

If unsatisfied by the hearing officer decision, any party may appeal the decision to the DC PSC by filing a petition for review. The petition for review must be filed with DC PSC OCMS within ten days of personal service or 12 days of mail service of the decision.²³ Responses are due within seven days of the filing if the other party is personally served, or 10 days if service is by mail.²⁴ Within 10 days of the filing of the Petition for Review, DC PSC OCMS shall prepare the record of the proceeding for the Commission.²⁵ The DC PSC shall issue an order on the petition for review within 30 days after the record is transmitted by DC PSC OCMS.²⁶

If a party is not satisfied with the DC PSC's decision, then the party has the right to file a petition for reconsideration of the order within 30 days of the Order. The DC PSC has 30 days from the filing of a petition for reconsideration to issue an order on reconsideration, unless the DC PSC tolls this time.²⁷ A party then has the right to file an appeal of the final DC PSC decision with the District of Columbia Court of Appeals.²⁸

Once a complaint is filed as a formal complaint with the DC PSC, the Consumer Bill of Rights' rules provide sufficient time for resolution of the formal complaint by the DC PSC within 180 days, as is required by 47 C.F.R. § 64.604(c)(6)(ii).

47 C.F.R. § 64.604(c)(7) Treatment of TRS customer information. Beginning July 21, 2000, all future contracts between the TRS administrator and the TRS vendor shall provide for the transfer of TRS customer profile data from the outgoing TRS vendor to the incoming TRS vendor. Such data must be disclosed in usable form at least 60 days prior to the provider's last day of service provision. Such data may not be used for any purpose other than to connect the TRS user with the called parties desired by the TRS user. Such

²⁰ 15 DCMR § 325.3 (2008).

²¹ 15 DCMR § 326.1 (2008).

²² 15 DCMR § 326.4 (2008).

²³ 15 DCMR § 326.6 (2008).

²⁴ 15 DCMR § 326.9 (2008).

²⁵ 15 DCMR § 326.10 (2008).

²⁶ 15 DCMR § 326.11 (2008). If the DC PSC is unable to reach a decision within 30 days, then the hearing officer's decision becomes final, unless a tolling order is issued. 15 DCMR § 326.13 (2008).

²⁷ 15 DCMR § 326.14 (2008).

²⁸ 15 DCMR § 326.15 (2008).

information shall not be sold, distributed, shared or revealed in any way by the relay center or its employees, unless compelled to do so by lawful order.

Although this specific requirement is not included in the TRS or CapTel RFPs, both RFPs require that the bidders comply with or exceed the FCC guidelines and mandatory minimum standards set forth in 47 C.F.R. § 64.604.²⁹ In both of its proposals, AT&T asserts that it meets or exceeds all of the FCC's TRS requirements in 47 C.F.R. § 64.601 through 64.604 but does not address specifically how it meets 47 C.F.R. § 64.604.³⁰ The DC PSC will include in future RFPs a specific provision requiring bidders to address compliance with this requirement.

The DC PSC welcomes the opportunity to provide additional information on its intrastate TRS and CapTel programs. With this additional information, the Commission should find, pursuant to 47 C.F.R. § 64.606(b)(1), that the DC PSC's state TRS program meets the requirements of 47 C.F.R. § 64.601 *et seq.*

²⁹ TRS RFP at 5, § 3.1.1; RFP No. PSC-11-10, The Public Service Commission of the District of Columbia (Commission) Request for Proposals to Engage a Technical Consultant in Formal Case No. 988 to Provide Captioned Telephone Relay Service (CTRS) in the District of Columbia (CapTel RFP) at 16, § M.1, rel. September 9, 2011.

³⁰ TRS Response at 5; AT&T Response to Public Service Commission of the District of Columbia's RFP # PSC-11-10 Formal Case No. 988 for Captioned Telephone Relay Service (CapTel RFP Response) at 4, 12.



Rate Plans

Current Activity

Current Charges

7/11 8/10 Double Play	79.99
• Verizon Freedom Essentials (Includes \$12.95 for long distance)	40.00
• Internal Advanced	39.99
7/11 8/10 Inside Wire Maintenance	7.99
7/11 8/10 Non-Published Service	1.80
7/11 8/10 Telephone Protection Plan	4.99
7/4 8/3 DSL Gateway Service Plan	2.49
Current Charges Subtotal	\$97.26

Change in Service and Partial Month:

6/19 7/10 Inside Wire Maintenance	.93
Change in Service and Partial Month Subtotal	5.63

Current Activity Total	\$102.89
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Specials and Promotions

7/11 8/10 Telephone Protection Plan Credit	-.95
Specials and Promotions Total	-\$0.95

Taxes & Surcharges

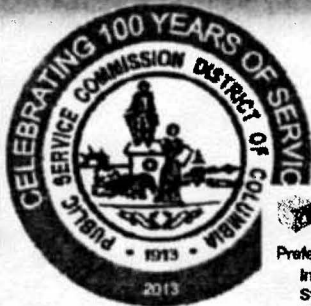
Taxes, Fees and Other Charges

Taxes, Governmental Surcharges and Fees	
DC 8911/311 Fee	.76
DC Green Sales Tax	.29
DC Local Telephones & Cable Tax Surcharges	2.88
DC Public Rights-of-Way Use Fee	1.72
DC Toll Telephones Tax Surcharges	1.35
DC Universal Service Trust Fund	.93
Federal Excise Tax	.28
Verizon Surcharges and Other Charges and Credits	
Carrier Cost Recovery Charge	.49

Federal Subscriber Line and Access Recovery Charge	4.22
Federal Universal Service Fund	2.48
Total Taxes, Fees and Other Charges	\$18.47

Contact the PSC (On back of Verizon bill)

Verizon Washington, D.C. is regulated by the Public Service Commission. If Verizon DC does not solve your problem, you may contact either the Public Service Commission, 1333 H Street, N.W., 2nd Floor, West Tower, Washington, DC 20005, 626-5100 or the Office of People's Counsel, 1133 15th Street, N.W., Suite 500, Washington, DC 20005, 727-3071.



Comcast.

Competitive Local Exchange Carrier's (CLEC's) Bill

**Contact the
Office of
Cable
Television**

XFINITY Bundled Services

Preferred+ Bundle	03/05 - 04/04	63.99
Includes:		
Standard Service		
Digital Preferred Plus		
Economy		
Includes HBO, STARZ, Showtime		
Performance Internet Service		
Comcast Unlimited		
Rate-Lock Guarantee		
Digital Starter w/OnDemand		
Your promotion ends on 05/04/10		

Premier Bundle	03/05 - 04/04	33.00
Includes:		
Standard Service		
Digital Premier w/OnDemand		
Includes HBO, STARZ, Showtime		
Cinemax and TMC		
Sports Entertainment Pkg		
Performance Plus Internet Svc		
Comcast Unlimited		
Triple Play Discount Included		
Your promotion ends on 03/04/11		

Total XFINITY Bundled Services \$96.99

Additional XFINITY TV Services

Digital A/D	03/05 - 04/04	6.85
Digital Converter	03/05 - 04/04	3.20
Digital Remote	03/05 - 04/04	0.25

Franchise Authority
Government of the District of Columbia
Office of Cable Television
3007 Tilden Street NW POD-P
Washington, DC 20008
(202) 671-0066 Mon-Fri 9am - 5pm
after 5pm HOTLINE (202) 671-10CT
www.oct.dc.gov

Late Charge

Customers will be assessed a late fee of \$5.95 per month for any balance that has not been paid in full after 45 days from the date the cable invoice was sent.

Non-Sufficient Fund Charge

Applies to all checks that are returned by the bank. This \$30.00 fee covers Comcast's costs associated with these transactions.

Additional XFINITY TV Services, cont.

SPP Protection	03/05 - 04/04	3.95
Total Additional XFINITY TV Services		\$14.35

Additional XFINITY Internet Services

Wireless Router	03/05 - 04/04	0.00
Total Additional XFINITY Internet Services		\$0.00

XFINITY Voice

Comcast Unlimited Promo	03/05 - 04/04	33.00
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Voice Services Include All the Popular Calling Features and Enhanced Voice Mail
Your promotion ends on 05/04/10

Rental Fee	03/05 - 04/04	0.00
Universal	03/05 - 04/04	1.03
Connectivity Charge		
Regulatory Recovery Fee	03/05 - 04/04	3.48

The Regulatory Recovery Fee is not a tax or government-mandated charge. It defrays regulatory costs such as state universal services, relay services, and certain state/local utility fees. View Voice Detail at www.comcast.com/viewbill

Total XFINITY Voice \$37.51

Lobby Location
900 Michigan Avenue NE
Washington, DC 20017
Mon/Wed/Fri: 8am - 6:30pm; Tues&Thurs 8am - 8pm;
Saturday 8:30am - 3pm

Hearing Impaired/Speech Impaired Call 711

For all inquiries/questions concerning your cable TV or internet service, please call (202) 635-5100.

Please send all written correspondence to:
900 Michigan Avenue NE, Washington, DC 20017

Your FCC Community Code is DC0002

Rate Plans

Taxes & Surcharges

TV		
Gross Receipt Tax	02/08	0.60
Franchise Fee	02/08	0.32
Gross Receipt Tax	02/18	0.20
Franchise Fee	02/18	0.11
Gross Receipt Tax	03/05 - 04/04	7.85
Franchise Fee	03/05 - 04/04	4.20
PEG Fee	03/05 - 04/04	1.35
FCC Reg Fee	03/05 - 04/04	0.07
Voice		
911 Fee	03/05 - 04/04	0.76
Total Taxes, Surcharges & Fees		\$16.46



Competitive Local Exchange Carrier's (CLEC's) Bill

Account Detail

Taxes & Surcharges

Rate Plans

Bundled Services **\$108.49**

This section displays the monthly charges and services included in your bundle.

07/01-07/31 **CPI Bundle**
2012 Phone Discount, Basic Cable Service, Cable Modem Rental, Mach 25 Modem Service 25Mb/2Mb, Promotional Discount, Signature Cable Service, Unlimited Nationwide Calling

Your package includes a savings of \$5.00 off retail pricing!

Additional Services **\$60.71**

This section displays the monthly charges that are not included in a bundle.

07/01-07/31 **Cable TV**
1 - High Definition Converter Box\$9.95
4 - High Definition Converter Box\$39.80
1 - Premier Total Pack\$16.95

07/01-07/31 **Internet**
1 - Customer Owned Modem\$5.99 CR

07/01-07/31 **Telephone -**
1 - Call Waiting\$0.00
1 - Block 9005 (900,920,940,976,846)\$0.00

Telephone Usage Summary **\$2.00**

Per Use Features 2 minutes\$2.00

Taxes & Fees **\$29.78**

This section includes the total taxes and fees on both your monthly and non-monthly charges/credits. For a full explanation of these taxes, visit our website www.rcn.com.

Cable	Gross Receipts Tax	\$11.69
	OVS Fee	\$6.38
	PEG Access Fee	\$1.16
	Public Access Corporation Fee	\$1.16
Telephone	Federal Subscriber Line Charge	\$4.09
	Federal Excise Tax	\$0.12
	Federal Universal Service Fund	\$1.03
	Gross Receipts Tax	\$2.72
	Toll Telecommunications Tax	\$0.57
	State E-911 Tax	\$0.76
	DC Universal Service Trust Fund	\$0.11

Payments **\$200.00 CR**

The payments listed were received prior to that statement date at the top of the page. All payments received after this date will appear on your next statement.

06/13 Payment Received\$200.00 CR

Previous Balance	\$200.00
Total Payments Received:	\$200.00 CR
Total Current Charges	\$200.98
Total Amount Due:	\$200.98

RIGHT TO DISPUTE YOUR BILL

If you have been unsuccessful in resolving your complaint or question, please contact your franchise authority:
Office of Cable Television and Telecommunications
3007 Tilden Street, NW
Washington, DC 20008
202-671-0066
www.occtt.dc.gov

**Contact the
Office of
Cable
Television**